



CGB-60-0417

THE ARCHDIOCESE OF SAN FRANCISCO
OFFICE OF COMMUNICATIONS

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ONE PETER YORKE WAY, SAN FRANCISCO, CA 94109-6602 (415) 614-5630 FAX (415) 614-5633

January 31, 2006

Amelia Brown
Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

Attention: CGB Room3-B431

Reference: Office of Communications
Video Programming Accessibility
Amended Petitioner Waiver of Closed Captioning Requirements

Dear Ms. Brown:

At your invitation, I am providing the FCC with an amendment to the petition filed by my office in December.

Your telephone message on my voicemail noted that the FCC did not rule on matters pertaining to self-qualification, and suggested we file an amendment to our existing petition.

Thank you for your consideration. We only produce this one program for broadcast, and we appreciate your patience with our limited expertise.

Sincerely,

Maurice E. Healy
Director of Communications
Roman Catholic Archdiocese of San Francisco

(415) 614-5636



THE ARCHDIOCESE OF SAN FRANCISCO

OFFICE OF COMMUNICATIONS

ONE PETER YORKE WAY, SAN FRANCISCO, CA 94109-6602 (415) 614-5630 FAX (415) 614-5633

Before the Federal Communications Commission Washington, DC 20554

In the Matter of Office of Communications—Catholic Archdiocese of San Francisco

Video Programming Accessibility

Amended Petition for Waiver or Exemption
from Closed Captioning Requirements

To: Chief, Consumer and Governmental Affairs Bureau
Attention: Amelia Brown

AMENDED PETITION OF THE OFFICE OF COMMUNICATIONS -- ROMAN CATHOLIC ARCHDIOCESE OF SAN FRANCISCO FOR WAIVER OR EXEMPTION FROM THE CLOSED CAPTIONING REQUIREMENTS OF SECTION 79.1 OF FCC RULES

The following is an amendment to a voluntary petition dated December 23, 2005, which was acknowledged by Amelia Brown of the Federal Communications Commission staff.

Pursuant to Section 79.1(f) of the Commission's rules (47 C.F.R. Sect. 79.1), the Roman Catholic Archdiocese of San Francisco ("Petitioner") hereby respectfully requests waiver or exemption, for itself and/or its programming, from the closed captioning requirements of Section 79.1 for the reasons and under the statutory and rule provisions stated herein, and under the authority granted the Commission by Congress in Section 713 of the Communications Act of 1934, as amended (47 U.S.C. 613).

As this Petition shows, application of the closed captioning requirement would cause Petitioner significant difficulty and expense -- the definition of "undue burden" -- that would force the cancellation, or substantial cutback of the content of, the program to the detriment of the viewers who rely on and enjoy it.

I. THE PETITIONER, ITS TYPE OF OPERATIONS AND PROGRAM

Petitioner is the producer of the television program entitled TV Mass ("the Program"), a weekly 28-minute presentation of the Sunday Mass. The Program, which is broadcast from 6:00 a.m. to 6:30 a.m. each Sunday, is produced for Catholics who, because of a temporary sickness, a long-term illness or a disabled condition, are unable to leave their home to attend the Sunday Mass at a Catholic church.

The 30-minute TV Mass program is the celebration of a religious service, with readings from Scripture and prayers contained in the Sunday Missal. The content is mostly in English, except for some prayers or songs in Latin. Prayers and Scripture readings for the Mass are contained in the Sunday Missal, copies of which, with large-size type, are made available to viewers.

The Mass is the Catholic worship liturgy common to all Catholic churches in the world regardless of language. Because the Program airs in northern California, the liturgy, ritual and prayers are said in English. About 25 percent of the population in the market area where the Program airs is Catholic. The Program has been produced for about 30 years and is well-established and respected. For the many Catholics who cannot leave their homes, the Program is vitally important.

Petitioner, a 501(c)(3) entity, organized as a corporation sole, is the spiritual leadership and administrative structure of the Catholic Church in the northern California Counties of San Francisco, San Mateo and Marin. The Office of Communications serves the internal and external communication needs of the Roman Catholic Archdiocese of San Francisco.

Petitioner pays a fee to produce the Sunday Mass program at CTN studios in Menlo Park, California, and provides it to Granite Broadcasting Corporation/San Francisco, California (WB20) and Lincoln Broadcasting Company, San Francisco, California (KTSF) for distribution to residential viewers via their television stations WB20 and KTSF Cable Channel 26.

Under Petitioner's contract with Lincoln, Petitioner leases time for the program from KTSF Cable Channel 26. Petitioner currently pays Lincoln \$427.50 each week to air the Sunday Mass. In 2005, Petitioner paid a total of \$21,300 to have the program aired in 2005, and for 2006 that total will be approximately \$22,400.

Granite Broadcasting Corporation airs the Sunday Mass program on Channel WB20 without charge as a public service. Television production expenses are \$15,600 per year. The only available revenue to offset the Sunday Mass program expenses are donations from viewers.

II. NATURE/COST OF CLOSED CAPTIONS FOR THE PROGRAM

A. Technical Difficulties of Closed Captioning

The Sunday Mass program is the only television program produced by the Petitioner. Thus all of the potential costs related to closed captioning would be borne by this one program. The technical capacity to close caption at the time of taping the program is not available to the Petitioner. Thus, the use of equipment and software to achieve closed captioning during the initial production is not viable.

B. Alternatives to Closed Captioning

Petitioner provides viewers with large-type Sunday Missals, which contain the Scripture reading and prayers used during the Sunday Mass. Also, in the past, Petitioner has used sign language interpretation as a means to make the Sunday Mass program accessible to hearing impaired viewers.

C. Projected Cost of Closed Captioning the Program:

Cost estimates (attached) for closed captioning services for the Sunday Mass program range from \$13,260 for the initial year (Talking Type Captions) to \$14,248 for the initial year (Closed Caption Maker).

D. Existing Budget for Sunday Mass Program

Expenses:

Broadcast expense	\$22,400
Program production expense	\$15,600
Program supplies	\$4,000
Staff expense	\$4,000
 Total expense	 \$46,000

Revenue:

Donations from viewers	\$36,000
 Deficit from operations	 \$10,000

E. Impact on the Operations of Petitioner:

The expenses for the Sunday Mass program already exceed related revenues, despite the donation of staff time and miscellaneous supplies and services by the Archdiocese of San Francisco, which also bears the burden of the program's operating deficit. Currently, a below market cost of air time is provided by Lincoln Broadcasting and Granite Broadcasting airs the Sunday Mass at no charge.

The use of vendors to provide closed captioning for the Sunday Mass program (which airs from 6:00 a.m. to 6:30 a.m.) would increase the program's current operating deficit two-and-a-half times -- from about \$10,000 to about \$24,000 per year. The impact of this increased operating deficit would put the Sunday Mass program in jeopardy. This would be a great loss for the thousands of Catholics who watch the program for spiritual sustenance. The Sunday Mass program is vital to people who are ill or incapacitated, homebound and unable to attend church services.

Petitioner asks that the Sunday Mass program be granted a waiver from closed captioning requirements.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maurice E. Healy". The signature is fluid and cursive, with the first name "Maurice" being more prominent than the last name "Healy".

Maurice E. Healy
Office of Communications – Roman Catholic Archdiocese of San Francisco

January 31, 2006

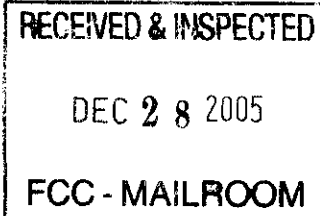


CGB CC-0417

THE ARCHDIOCESE OF SAN FRANCISCO

OFFICE OF COMMUNICATIONS

ONE PETER YORKE WAY, SAN FRANCISCO, CA 94109-6602 (415) 614-5630 FAX (415) 614-5633



December 23, 2005

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

Attention: CGB Room 3-B431

Ref:

Office of Communications -- Catholic Archdiocese of San Francisco,
Video Programming Accessibility
Voluntary Petition for Waiver of Closed Captioning Requirements

The Office of Communications -- Catholic Archdiocese of San Francisco produces a 30-minute "TV Mass" television program, which is broadcast each Sunday at 6:00 a.m. on WB 20 and KTSF Channel 26 in the San Francisco Bay Area.

Pursuant to Section 79.1(d)(8) of the Commission's rules (47 C.F.R. Sect. 79.1), the Office of Communications -- Catholic Archdiocese of San Francisco certifies that the "TV Mass" program qualifies for exemption from closed captioning requirements. This voluntary petition seeks to elicit FCC concurrence on our good faith determination.

Section 79.1(d) states:

Exempt Programs and Providers. For purposes of determining compliance with this section, any video programming or video programming provider that meets one of more of the following criteria shall be exempt to the extent specified in this paragraph.

Section 79.1(d)(8) exempts:

Locally Produced and Distributed Non-News Programming With No Repeat Value. Programming that is locally produced by the video programming distributor, has no repeat value, is of local public interest, is not news programming, and for which the "electronic news room" technique of captioning is unavailable.

The Office of Communications – Catholic Archdiocese of San Francisco qualifies for exemption under this section for the following reasons:

1. The 30-minute TV Mass program, which is broadcast at 6:00 a.m., is locally produced and distributed by the Office of Communications of the Catholic Archdiocese of San Francisco.
2. The TV Mass program presents the celebration of the Sunday Mass liturgy with Scripture readings and prayers appropriate only to a specific Sunday, and thus has no repeat value.
3. The TV Mass program is of local interest, particularly to ill or home-bound Catholics who cannot attend Sunday Mass in person.
4. The TV Mass program is not news programming.
5. The TV Mass program is taped several months before the program airs in a very modest church studio, and the "electronic news room" technique of captioning is not available.
6. The Office of Communications -- Archdiocese of San Francisco meets the definition of a "video programming distributor" as provided in Section 79.1(a)(2) "... An entity contracting for program distribution over a program distributor that is itself exempt from captioning that programming . . . shall itself be treated as a video program distributor for purposes of this section."

The Office of Communications -- Catholic Archdiocese of San Francisco also believes that the lack of captioning in the TV Mass Program is de minimis and reasonable under the circumstances, in accordance with Section 79.1(e)(10) of FCC rules for the following reasons:

1. The ritual rites and prayers of the Roman Catholic Mass are familiar to all Catholics.
2. The Producer makes available to viewers, at no cost, a Sunday Missal, in large type, which contains the Scripture readings for each particular Sunday.
3. Some rites, prayers and songs presented in the Program are in Latin.

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In this voluntary petition, the Office of Communications – Catholic Archdiocese of San Francisco (a 501(c)(3) non-profit religious entity) is the petitioner. The Petitioner is the producer and owner of the weekly television program entitled TV Mass ("the Program"), which presents the celebration of the Sunday Mass, the central liturgy of the Catholic faith.

The 30-minute TV Mass program is the celebration of a religious service, with readings from Scripture and prayers contained in the Sunday Missal. The content is mostly in English, except for some prayers or songs in Latin. Prayers and Scripture readings for the Mass are contained in the Sunday Missal, copies of which, with large-size type, are made available to viewers.

The TV Mass program is aimed at Catholics who are not able to attend Sunday Mass in person because they are ill or are unable to leave their residence. If the Producer were required to use closed captioning in the TV Mass, the estimated annual cost would be \$15,000. This expense would force the Producer to drop one of the television stations distributing the TV Mass to residential viewers, or end the program entirely.

The TV Mass program has been produced for more than 30 years. It is broadcast on WB-20 and KTSF in northern California. Videotape copies of the TV Mass program are distributed to hospitals and prisons, along with Sunday Missals, for airing on their internal systems.

Approximately one-quarter of the population in the program's service area are Catholic. The TV Mass program meets the needs of the target audience -- Catholics unable to attend Sunday Mass in person because they are ill or homebound.

Petitioner produces the Program at a modest church studio and provides it to television stations WB-20 and KTSF for distribution to residential viewers. The TV Mass program airs at 6:00 a.m. on Sunday mornings.

Petitioner seeks FCC concurrence that it is exempt from closed captioning requirements pursuant to Section 79.1(d)(8). Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Maurice E. Healy".

Maurice E. Healy
Director of Communications & Outreach
Archdiocese of San Francisco
(415) 614-5636 -- healym@sfarchdiocese.org